

WAYLAND BOARD OF PUBLIC WORKS

Wayland DPW Facility

December 1, 2015

7:00 PM

MEETING MINUTES

Present: C. Brown (Chair), M. Lowery (Vice Chair), W. Baston, M. Wegerbauer, S. Kadlik (Director)

Absent: J. Mishara

Meeting opened at 7:00 PM

(Brown announced that the meeting is being recorded)

Brown opened the meeting with a review of the agenda.

Review & Approve Minutes of the 11/16/2015 BOPW Meeting

Lowery noted a correction to be made to his comment at the bottom of page one, clarifying that the easement granted by 201 West Plain was granted to abutters.

Lowery noted a correction to be made to his comment at the top of page two, changing 'right of way' to 'private way'.

Lowery noted that on page two, Kadlik's comment regarding emergency vehicle access should be added.

Lowery noted that on page four, it should be specified that the goal is to restore half of Stone's Bridge.

Lowery noted two typographical corrections to be made on page six.

Baston noted that on page five it should be added that the Board discussed the nature of the presentation to be made to the Personnel Board.

Lowery made a motion to accept the minutes as amended.

Baston 2nd, all in favor.

*Items Included as Part of Agenda Packet for Discussion
- 11-16-2015 BOPW Meeting Minutes Draft*

Discussion on the Potential Transfer of Cremains from the Church of the Holy Spirit to Lakeview Cemetery

Brown noted that the Church of the Holy Spirit is closing, and the new owner of the landed wishes the cremains be relocated.

Lowery asked DPW Park and Highway Superintendent Michael Lindeman to describe how the cremains would potentially be interred.

Lindeman replied that the church would need to purchase the appropriate number of grave lots to inter the cremains, as per the Town cemetery regulations.

Lindeman described where, in his opinion, the cremains could potentially be interred in North Cemetery.

Lindeman noted that the fees charged by the Town would be the normal charge for the sale of the lots as well as the interments.

Lowery made a motion that the Board authorizes Lindeman to negotiate with the Church to inter the cremains with a Town cemetery.

Lindeman noted that, with the Board's authorization, he would negotiate with the church then return to the Board to seek final approval.

Wegerbauer 2nd, all in favor.

Items Included as Part of Agenda Packet for Discussion
- 11-18-2015 email to Larry Smith re: Wayland Cemetery Conversation

Public Hearing: Woodridge Road Traffic Calming Request

Brown described that traffic calming process as well as the time table involved in the potential implementation of traffic calming measures.

Lowery described the roles of the Board of Selectmen in the erecting of traffic signs as well as the role of the Police Department in traffic enforcement.

Susan Toddhunter, 113 Woodridge Road, appeared before the Board to discuss her request for traffic calming.

Toddhunter described incidents that she has witnessed on Woodridge Road and expressed the dangers faced by pedestrian traffic on the road.

Toddhunter noted that she would like to see the installation of flashing speed limit signs, similar to those on Pequot Road, as well as increased traffic enforcement by the police.

Lowery asked if any of the speed limit signs on Woodridge Road are obstructed from view.

Toddhunter noted that some may be obscured by trees and shadows and do not adequately stand out.

Brown asked Kadlik if the DPW could ensure that brush around the signs is trimmed back.

Kadlik noted that the DPW has recently trimmed back brush along the road, but would check to ensure that the signs remain visible.

James Toddhunter, 113 Woodridge Road, appeared before the board to describe the traffic issues he has witnessed on Woodridge Road.

James Toddhunter noted that his neighbors have been very receptive to the idea of the implementation of traffic calming measures on Woodridge Road.

James and Susan Toddhunter reiterated their concern for the potential for serious accidents on Woodridge Road.

Lindeman noted that the DPW will ensure that the signs on Woodridge Road are high-visibility and that adequate brush trimming is done along curves.

Wegerbauer asked if signs are on the curves.

Lindeman responded that he does not think there are, and noted that placement of chevron signs on curves is subject to State approval.

Lowery noted that special speed regulations exist on two sections of Woodridge Road limiting speed limits to 20mph and 25 mph.

Wegerbauer asked Susan Toddhunter what she would like to see done to address issues on Woodridge Road.

Susan Toddhunter noted that ideally she would like to see a sidewalk installed, but acknowledged realistically the installation of speed bumps, increased signage, flashing speed signs, and increased police enforcement should all be considered.

Brown suggested that a phone call or email by Toddhunter to the Police Chief Irving would be beneficial.

Wegerbauer made a motion that a speed survey / traffic study be conducted when possible, and that the DPW review that status of existing signs on Woodridge Road.

Lowery 2nd, all in favor.

Wegerbauer noted that in some cases, neighbors object to the installation of flashing lights, and recommended Toddhunter consider locations where lights could be installed least invasively.

Items Included as Part of Agenda Packet for Discussion

- 10-26-2015 Traffic Calming Request Form

Items Distributed for Information and Use by the Board of Public Works

- Map of Woodridge Road

Discussion with Town Counsel on Plowing Common Driveways

Town Counsel Mark Lanza appeared before the Board to discuss the status of the DPW's plowing of common driveways.

Brown noted that the Board has determined that, barring any new information, the Board considers the matter closed, and the purpose of the meeting is to clarify any confusion.

Brown described the history of the plowing of common driveways and how it was determined that the areas in question should not be plowed by the Town.

Brown requested that Lanza provide a legal description of the terms 'public road', 'private road', and 'private drive'.

Lanza offered the legal definition of the applicable terms, including 'public road', 'private road', 'private drive', and 'right-of-way'.

Lanza described the three types of public ways in Massachusetts: Federal, State, and Town roads.

Lanza described the method by which public ways come into existence in Wayland: the acceptance of the layout by the Board of Public Works and approval of the layout by the Planning Board, then a vote of acceptance at Town Meeting, and finally the acquisition of land by the Town.

Lanza noted that the general rule is that no private ways can be plowed using public funds, unless the town accepts the law that private ways open to the public could be plowed.

Lanza described the key differences between private ways open to public use and privately owned common driveways.

Lanza noted that the law allows for the use of public funds for the removal of snow and ice from private ways open to public, but does not allow for the use of public funds for the removal of snow and ice on private driveways.

Malcolm Astley, 147 Boston Post Road, appeared before the Board to note that a similar attempt was made to stop plowing common drives in 1982, but was then reversed. Astley asked what the rationale for the reversal of the policy in 1982 was.

Brown and Lanza both noted that they have no knowledge of the 1982 judgement, but noted that the law remains the same today as it was in 1982.

Lowery added that regardless of the rationale used in 1982, Town Counsel has advised the Board that the DPW cannot continue to plow privately owned common driveways.

Brown noted that in 1968, the Board of Selectmen voted to accept the law allowing the DPW to plow private roads open to public use, and will continue to do so.

Cynthia Lavenson, 40 Mitchell Street, asked if the Town would approve the acceptance of a road leading to only one house.

Lanza noted that there is no distinction on the number of houses for a road to be approved, but the specific standards of road construction are subject to Town policy.

Brown asked Lanza to confirm that if a resident were to upgrade a privately-owned common driveway to the standards of a public way, there is still no guarantee that it would be accepted as a road at Town Meeting.

Lanza replied that there is no guarantee of acceptance as a road.

Julie Vassilovski, 37 High Rock Road, asked if the Town has been plowing the road for over forty years, does it give the Town an easement.

Lanza noted that it does not grant the Town an easement.

Lanza noted that the expenditure of public funds for the plowing of privately-owned common drives is not permitted by law.

Lanza reiterated that the plowing of privately-owned common driveways is not a matter of obtaining permission, but the law is very clear that the Town cannot spend public funds for the plowing.

Baston asked Lanza if insurance coverage is also an issue.

Lanza confirmed that the Town's insurance coverage does not extend to private property.

Astley asked if emergency vehicle access would be compromised.

Kadlik noted that the DPW would immediately plow any areas as directed by the Police or Fire Departments in the event of an emergency.

Lanza noted that applicable law concerning the plowing of common drives is Mass General Law Ch.40 Section 6C.

Astley asked what gives the Town the legal right to plow common drives in the event of an emergency.

Lanza replied that there is a State Law that grants a public safety easement for emergency access.

Brown asked Kadlik if the DPW digs out fire hydrants.

Kadlik noted that hydrants in private areas are not plowed out by the DPW, but the DPW does assist the Fire Department in clearing public hydrants.

Deborah Ciolfi, 14 Reservoir Road, noted her displeasure of not hearing of the issue until October.

Lanza advised that concerned residents hire a competent real estate lawyer to determine their legal standing.

Kadlik noted that there are many common driveways in Town that the DPW has never plowed.

Astley asked the Board if they considered the consequences of deteriorating roads and loss of property value.

Brown noted that it was not considered because they were given a directive that privately-owned common drives could not be legally plowed.

Astley asked if the definitions of private ways and common driveways could be provided to residents.

Lanza noted that he could provide definitions as well as provide examples of typical private ways open for public use and common driveways.

Brown noted that the DPW could not consider a fee for service for plowing common driveways.

Wegerbauer added that if residents can determine that a legal way exists that would allow the DPW to continue to plow the common drives in question that the Board would be amenable to considering it.

Brown clarified that the decision is not because the DPW does not want to provide the service, but because the DPW cannot legally provide the service.

Vassilovski asked if it is possible to amend State Law to allow for the use of public funds to plow snow on common driveways.

Lowery clarified that the State would have to pass an enabling legislative mechanism that the Town would the need to accept and adopt.

Astley asked why a fee for service is not a possibility.

Lanza noted that the Town could provide a fee for service, but special legislation would have to be passed prior to doing it.

Items Distributed for Information and Use by the Board of Public Works

- 11-30-2015 'Questions for DOPW and Town Counsel Re Not Maintaining or Plowing Certain Roads' from Malcolm Astley

- 07-23-2014 'Selectmen set eyes on private road plowing policy' by Bill Whelan (provided by Malcolm Astley)

- *Town of Lexington Guidelines for Civil Discourse (provided by Malcolm Astley)*
- *2015-11-30 email from Malcolm Astley, 'Another Alternative re DOPW Meeting Tuesday 12.1.15 on Legal Basis for Discontinuing Plowing and Maintenance of Certain Roads'*

Brown called for a five-minute recess at 8:39PM.

Brown called the meeting back in session at 8:44PM

Board Vote to Authorize the Assessor's Office to Lien Over Delinquent Water Bills to the Tax Bills

Kadlik described the nature of lien authorization.

Brown made a motion to approve the ability to lien properties per the letter dated 12/1/2015, addressed to Wayland Assessor Ellen Brideau.

Lowery asked about the nature of notification given to residents.

Following discussion, the Board determined that adequate notification was given to residents.

Wegerbauer 2nd, all in favor.

Items Included as Part of Agenda Packet for Discussion

- *12-01-2015 Draft letter to authorize the Assessor's Office to Lien Over Delinquent Water Bills to the Tax Bills*

Items Distributed for Information and Use by the Board of Public Works

- *11-30-2015 VADAR Lien Report*

Discussion of Transfer Station Target for Retained Earnings

Brown requested that the continued discussion of Transfer Station target for retained earnings be placed early on the next agenda.

The Board discussed transfers made from the Transfer Station revolving account to the General Fund and Trust Fund.

Items Included as Part of Agenda Packet for Discussion

- *Transfer Station Budget Line-Item Comparison*
- *Transfer Station 'Transfers to G/F' Munis Account Inquiry*
- *Transfer Station 'Transfers to Trust Fund' Munis Account Inquiry*

DPW Director's Operational Report

Brown asked Kadlik about the status of the Happy Hollow Wells.

Kadlik replied that they performed a test shut-down of the wells the past weekend, and water levels were adequately maintained.

Lowery asked about the status of the library drainage project.

Kadlik noted that the area has been ‘dig-safed’ to allow the gas main to be unearthed.

Lowery asked when Tighe & Bond would be able to provide a plan.

Kadlik noted that he is unsure, but the request for a one-year project extension has been submitted.

Lowery expressed his desire to establish a time frame for the completion of the project.

Lowery added that he would like updates on the project at every Board meeting.

Lowery requested that the Town Surveyor be consulted to correct the portion of Lakeview Cemetery that is technically under the ownership of the Recreation Commission.

*Items Included as Part of Agenda Packet for Discussion
- 12-01-2015 DPW Director’s Report*

Board Members’ Reports, Concerns, and Updates

Lowery described the meeting with the Personnel Board requesting additional DPW employees.

Kadlik noted that the Personnel Board agreed to support the addition of a maintenance worker, a working foreman, and a construction manager/engineer.

Wegerbauer asked about the status of ice rinks this winter.

Kadlik noted that he has spoken with the Recreation Department, and they intend to have ice skating on Mill Pond.

Lowery reviewed an amended letter to be sent to the Chief of Police regarding traffic calming on Stonebridge Road.

Baston thanked the DPW for clearing the leaves in front of Heard House in preparation for the Wayland Historical Society Open House.

Baston discussed the Board of Public Works bullet points to be submitted to the WayCam Weekly Buzz.

Brown discussed the circulation of a Community Preservation Act Project Application.

The Board discussed possible projects, including Mill Pond and North Cemetery.

Lowery noted that the Hannah Williams Playground parking lot had several potholes.

Kadlik replied that the issue has already been addressed by NSTAR crews currently working in the area.

Brown noted that on Friday there will be a meeting to explore various water meter options at the DPW.

Lowery noted that the notion of who owns the private hydrants on common drives should be clarified.

Kadlik discussed the pending private hydrant bylaw scheduled for upcoming Town Meeting vote.

Brown noted that the open meeting law links on the Board of Public Works webpage could be removed from the site.

Wegerbauer made motion to adjourn.

Baston 2nd, all in favor.

Meeting adjourned at 9:32PM